

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 1-42 are pending, with Claims 31-38 withdrawn from consideration. No claim amendments are presented, thus no new matter is added.

In the outstanding Office Action, Claims 1-30 and 39-42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Riordain (U.S. Pat. No. 6,434,364) in view of Hansson (U.S. Pat. No. 6,023,620).

The undersigned appreciatively acknowledges the courtesy extended by Examiner Tran by holding a personal interview with the undersigned on April 17, 2006. During the interview, an overview of the invention was presented, and the claims were discussed in light of the applied references. No agreement was reached during the interview pending the formal submission of a response to the outstanding Official Action.

In response to the rejection based on O'Riordain and Hansson, Applicants respectfully submit that independent Claims 1, 8, 17 and 24 recite features not taught or rendered obvious by the applied references.

As discussed in the specification, qualification tests (e.g., tests of frequency deviation, antenna power deviation, etc.) are typically performed on software-defined radio terminals before the terminals are permitted to utilize a given radio communications system. Performing these qualification tests on each manufactured radio terminal is a complicated and time consuming process. Accordingly, the claimed invention is directed to a method for more efficiently testing a system including a plurality of radio terminal.

Independent Claim 1 recites, *inter alia*, a qualification method, comprising:

providing a representative terminal...
executing a qualification test on the representative terminal...

receiving a test success message indicating that the representative terminal passed the qualification test; and
notifying the test success message to the plurality of radio terminals.

Independent Claims 8, 17 and 24 recite substantially similar features. Therefore, the arguments presented below are applicable to each of independent Claims 1, 8, 17 and 24.

As discussed during the interview, and as disclosed at p. 6, lines 5-16, and p. 8, lines 8-13, for, example, a test success notifying device (e.g., a base station) transmits a test success message (e.g., notification) to the radio terminal. An example of a test success notification is when the plurality of radio terminals receives a data flag “qualification OK” implying that the radio terminal is allowed to transmit to the desired radio communications system.

Examiner Tran expressed concern that the feature of “the notifying step notifies the received control sequence to the plurality of radio terminals,” recited in Claim 2, is also part of the “notifying the test success message to the plurality of radio terminals” feature recited in independent Claim 1. However, as discussed during the interview, this notification of the received control sequence is a transmission separate from the notification of the test success message, recited in independent Claim 1. Specifically, p. 8, line 21-p. 9, line 13. of the specification describes the process of resetting a terminal based on a “received control sequence.” Accordingly the “*notifying the test success message to the plurality of radio terminals*” relates to the transmission of a “qualification OK” flag/message to the plurality of terminals, as discussed above.

As admitted in the outstanding Final Action, O’Riordain fails to teach or suggest the step of notifying the test success message to the plurality of radio terminals. In an attempt to cure this deficiency of O’Riordain, the Official Action relies on Hansson and states that it would have been obvious to one of ordinary skill in the art at the time of the invention to

combine the references to arrive at Applicants claims. Applicants respectfully submit that Hansson fails to teach or suggest the claimed features for which the reference is asserted under 35 U.S.C. § 103.

Hansson describes a method for downloading control software to a remotely located cellular telephone via wireless communication. Specifically, in addressing the “notifying” feature recited in independent Claim 1, the Official Action relies on Fig. 1, and col. 2, lines 41-55 of Hansson. The cited portion of Hansson describes a process of transmitting a message from an update server (100) to a cellular network (120) when an updated version of software is made available. A user of a cellular telephone (110) is then presented with a prompt offering the user the option to download the new version of the software.

Hansson, however, fails to teach or suggest “*notifying the test success message to the plurality of radio terminals*,” as recited in independent Claim 1. As discussed above and during the interview, this claimed feature relates to the transmission of a success notification message indicating “qualification OK,” and not to the updating of terminal software. Hansson, in contrast, is directed to prompting a user to download a new version of software, and does not, at any point, teach or suggest “*notifying the test success message to the plurality of radio terminals*,” as recited in independent Claim 1.

The Official Action also asserts that the “test success” message of Claim 1 is anticipated by Hansson, because “the new version of control software, of course, inherently has passed some types of testing processes.” However, as discussed above, the “*test success message*,” recited in independent Claim 1, actually reports the result of a successful test to the plurality of terminals, giving them the “OK” to operate on a given system. The software downloaded in Hansson, instead, includes no information relating to a “*test success*” and is downloaded to a user whose phone is already authorized to operate on the system.

Therefore, as the applied combination of O'Riordain and Hansson fails to teach or suggest the features recited in independent Claims 1, 8, 17 and 24, it is respectfully submitted that the Official Action fails to provide a *prima facie* case of obviousness, and it is respectfully requested that the outstanding rejection of Claims 1-30 and 39-42 be withdrawn.

Consequently, in view of the foregoing discussion and present amendments, it is respectfully submitted that this application is in condition for allowance. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

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